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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,)
10) CASE NO. 2:12-cr-00114-JCM-VCF
11 Plaintiff,)
12 v.)
13 BEN KIM,)
14 Defendant.)

GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION TO AMEND CONDITIONS OF SUPERVISION

The United States files this response to Defendant Ben Kim's motion to amend conditions of supervision. (Doc. No. 34.) As an initial matter, the government does not object to the defendant's request to travel to South America with Dr. Jaldeep Daulat at the end of October 2013 for 10 days. As it relates to domestic travel, the government also does not object to the defendant's request that this Court modify his conditions of supervision to give the United States Probation Office the authority to approve future requests to travel outside of the District of Nevada without the need to bring the matter of such domestic travel before the Court.

However, the government would object to the defendant's requested modification to the extent it is intended to apply to foreign travel. Because the nature of foreign travel makes it difficult for the defendant to be supervised pursuant to his other conditions, the Court should retain the authority to approve such foreign travel requests in the future. Thus, both the Court

1 and the government would have sufficient notice and the government would have the
2 opportunity to oppose any future foreign travel should requests become more frequent or for
3 longer durations.

4 Thus, the government would recommend a modification to Standard Condition 1 as
5 follows: 1) the defendant shall not leave the judicial district without permission from his
6 probation officer, for domestic travel, or the Court, for foreign travel.

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8 Respectfully submitted,

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10 JEFFREY KNOX
11 Chief, U.S. Department of Justice
Fraud Section, Criminal Division

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13 /s/ Thomas B.W. Hall
14 THOMAS B.W. HALL
Trial Attorney, U.S. Dept. of Justice
Criminal Division, Fraud Section

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
BEN KIM,)
Defendant.)
CASE NO. 2:12-cr-00114-JCM-VCF

ORDER

Upon consideration of Defendant's Motion to Amend Conditions of Supervision (Doc. No. 34) and the Government's Response, it is hereby ORDERED that the Defendant's motion is GRANTED in part and DENIED in part, as follows:

1. The Defendant is authorized to travel to South America for 10 days at the end of October 2013 as approved by his probation officer.
2. Standard Condition 1 of the Defendant's conditions of supervision shall be amended to read: "1) the defendant shall not leave the judicial district without permission from his probation officer, for domestic travel, or the Court, for foreign travel."

Dated: October 15, 2013.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
BEN KIM,)
Defendant.)
CASE NO. 2:12-cr-00114-JCM-VCF

I, the undersigned, hereby certify that this pleading was filed with the clerk of court via ECF and will be served electronically via ECF on all parties that have entered their appearances in this case.

Dated: October 8, 2013

/s/ Thomas B.W. Hall
THOMAS B.W. HALL
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